

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID SERRANO,	)	
	)	Civil Action No. 05 - 1118
Plaintiff,	)	
	)	Judge Thomas M. Hardiman /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
LOUIS FILINO, Superintendent; THOMAS	)	
JACKSON, Deputy Superintendent; MS.	)	
DIANA MANSON, Health Care Administrator;	)	
DR. STAN FALOR, SCI Greene Medical	)	
Doctor; DR. JEFFREY A. BEARD, Secretary	)	
of the Department of Corrections; MS.	)	
SHARON BURKS, Chief Grievance Officer;	)	
DR. PAUL NOEL, Regional Medical Director;	)	
JOHN DOE I, Vice President of Health Care	)	
Services; JOHN DOE II, Correctional Officer	)	
	)	
Defendants.	)	

**ORDER**

The above captioned case was filed on August 11, 2005, and was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 49), filed on January 31, 2007, recommended that the Motion to Dismiss filed by Defendants Falor and Noel (doc. no.32) be denied and that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 39) be granted as to Defendants Folino, Jackson, Beard and Burks and denied as to all other Defendants.

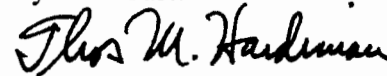
All parties were served and Plaintiff filed Objections to the Report and Recommendation on February 20, 2007 (doc. no. 52). After review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

**AND NOW**, this 23<sup>rd</sup> day of February, 2007;

**IT IS HEREBY ORDERED** that the Motion to Dismiss filed by Defendants Falor and Noel (doc. no.32) is **DENIED** and that the Motion to Dismiss filed by the Commonwealth Defendants (doc. no. 39) is **GRANTED** as to **Defendants Folino, Jackson, Beard and Burks** and **DENIED** as to all other Defendants.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 49) of Magistrate Judge Lenihan, dated January 31, 2007, is adopted as the opinion of the court.

By the Court:



Thomas M. Hardiman  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

David Serrano  
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